

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

FILED - GR

March 25, 2019 11:42 AM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: ms / SCANNED BY mlm 3/25/19

TERRY NEAL

Plaintiff,

No. 1:10-cv-1075

HON. GORDON J. QUIST

v.

DAVID ELLIS,

Defendant.

REQUEST FOR SANCTIONS

Now comes Plaintiff, Terry Neal, asking the court to grant sanctions against defendant and defendants attorney for constantly filing vexatiuos motion and pleadings as well as lying about discovery matters.

Plaintiff Neal, filed a 1983 civil suit in 2010 against defendant for violating Plaintiff's first and Eight amendment rights. Every since the begining defendant and his attorneys have made it almost impossible to bring this case to completion .Defendant has lied about not having certain requested discovery items (SEE SIXTH CIRCUIT August 23, 2018 OPINION NO.17-2331 pgs.5,6.) defendant claimed not to have a copy of statements made by other correction officer's who witness the incident ,as well as a copy of the internal affairs report. After denying having the statements and report, the Attorney

used the documents to file a vexatiuos motion(ECF NO.116) that the magistrate HON. Ray Kent informed them not to file because time for motions had past; The assistant

A.G decided to not only file the motion but to commit fraud with in the motion.

This is not the first time that this case has been unnecessarily held up. the defendant constantly changes attorneys every time something does goes their way , such as every time defendant lost a summary judgment they switch attorneys and tried it again. "No Litigant deserves an opportunity to go over the same ground twice, hoping that the passage of time or change in composition of the court will provide a more favorable result the second time.(UNITED STATES V. TURTLE MOUNTAIN BAND OF CHIPPEWA

INDIAN'S 612 F.3d 517,520). as a result of defendant and their attorney's many stall tactics Plaintiff has occurred cost for court fee's from having to go to the court appeals and time for research paying jail house lawyer to help litigate against the several vexatious pleading that were filed .

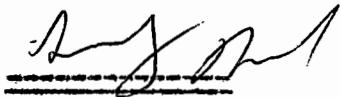
Next is this case was scheduled to go to trial April 9,2019 ,in Februaray the defendants attorney filed for once again another adjournment . On February 27,2019 their request was denied the Honorable Gordon Quist for very good reasons , one being that this is the oldest case on his docket and that there has been at least five other Assistant attorney generals assigned to this case.

Some how the Attorney for defendant still manage to get the trial date move once again. On March 4,2019 Plaintiff Neal, received a notice of hearing in the mail letting him know that his trial date has been change to may 7,2019. This order was not issued by Judge Gordon Quist, but by a Ms. Jane M. Tepper . According to Rule 15.(b)(4) a scheduling order can only be modified for good cause and with the consent of the judge. It is clear by the Judges February 27,2019 order that he did not consent to the scheduling modification .

This just yet another attempt by the defendant and his attorney to ware Plaintiff down and cause him more stress.

RELIEF REQUESTED

Plaintiff Neal, ask that this court hold defendant and their attorney accountable for the many delays in this case and grant sanction in accordance with rule 11 in the amount of \$2,500 and assign Plaintiff an attorney from the pro bono plan that the western district has. Plaintiff also ask that the Defendants be ordered to settle this case or go to trial on April 9, 2019 as originally ordered.



Terry Neal #330118

Kinross Corr. Facility

4533 W. Industrial Park Drive

Kincheloe, MI 49786

Date 3-20-19

KINROSS CORR. FACILITY

4533 W. INDUSTRIAL PARK DRIVE
KINCHLADE, MI 49784

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